

## LABOUR AND EMPLOYMENT DEPARTMENT

The 28th October, 1974

No. 9816-4Lab-74/33417.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s India Tools, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL HARYANA,  
FARIDABAD

Reference No. 20 of 1974

*between*

SHRI CHANDER BAHADUR WORKMAN AND THE MANAGEMENT OF M/S INDIA TOOLS,  
14/7, MATHURA ROAD, FARIDABAD

*Present :*

Shri Chander Bahadur concerned workman with Shri Onkar Parshad authorised representative.

Shri S. L. Gupta for the management

## AWARD

Shri Chander Bahadur workman concerned was in the service of M/s India Tools, 14/7, Mathura Road, Faridabad as a Chowkidar at Rs. 150 P.M. since 11th January, 1972. The management allegedly terminated his services on 27th May, 1973 without any notice or charge sheet. He raised a demand for reinstatement but there was no satisfactory response from the management. This gave rise to an industrial dispute. He then gave the demand notice dated 28th June, 1973 which form part of the present reference whereupon conciliation proceedings were initiated which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal vide order No. ID/FD/73/5430, dated 4th March, 1974 with the following terms of reference.

Whether the termination of services of Shri Chander Bhadur was justified and in order? If not, to what relief is he entitled?

The parties were called upon to put in their respective pleadings. The workman concerned submitted the statement of claim reiterating his demand for reinstatement as earlier raised through the demand notice referred to above. It was further alleged that, as a matter of fact, he had asked for weekly off or wages in lieu of weekly rest whereupon the management got displeased with him and terminated his services without any justification.

The management has not filed any written statement nor has anybody come forward to contest the claim of the workman concerned. Shri K.L. Kapoor who had appeared on one or two dates of hearing but without filing any letter of authority stated that he had no instructions from the management to appear and contest the case. The case was, therefore, proceeded ex-parte against the management.

Shri Chander Bahadur workman concerned has made his statement on oath in support of his above allegations. In answer to certain Court questions he has further stated that he has not been gainfully employed anywhere during the period of his forced unemployment and that there had been never any complaint against him and he had all along been discharged his duties faithfully. According to him, another Nepali had been appointed as Chowkidar in his place.

I have heard the learned representative of the workman and given a careful consideration to the material on record. I see no reason to disbelieve the sworn testimony of the workman especially when the management is not coming forward to contest his claim in spite of due service. He appears to be a truthful person. As stated by him, the management had got displeased with him simply because he demanded weekly off or wage in lieu of weekly rest and for that reason alone his services were terminated by the management without any notice, warning or any charge sheet. He had all along been out of job and has not been gainfully employed anywhere during the intervening period.

In view of the above, the termination of the services of the present workman by the management is held to be not justified and in order, and, in the result, he is entitled to reinstatement with continuity of previous service

and full back wages. He is also entitled to Rs. 50 by way of cost of the present proceedings. The award is accordingly made.

Dated the 21st October, 1974.

O.P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1352, dated the 21st October, 1974.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 21st October, 1974.

O.P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 9798-4Lab-74/33450.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer's Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Chanda Enterprises, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 141 of 1974

*between*

SHRI MOHAMMAD JAKI WORKMAN AND THE MANAGEMENT OF M/S CHANDA ENTERPRISES 56, INDUSTRIAL AREA, FARIDABAD

*Present :*

Nemo for the workmen.

Shri A. R. Handa for the management.

#### AWARD

The following dispute between the management of M/s Chanda Enterprises, 56, Industrial Area, Faridabad and its workman Shri Mohammad Jaki was referred for adjudication to this Tribunal,—*vide* order No. ID/FD/74/857-A-74/32846, dated 20th September, 1974 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Mohammad Jaki was justified and in Order ?  
If not, to what relief is he entitled ?

On receipt of the order of reference, the parties were called upon to put in their respective pleadings. The workman concerned has not appeared in person or through authorised representative in spite of service. The plea raised on behalf of the management is that, as a matter of fact, he had submitted his resignation which was duly accepted and thereafter he had also collected his dues. Statement of Shri A. R. Handa, the authorised representative of the management has been recorded. He has sworn testimony to the fact that the workman concerned had submitted his resignation Ex. M-1 which was duly accepted on 5th July, 1974 and thereafter he had collected his dues and addressed a further letter dated 9th July, 1974, Ex. M-2 to the effect that he was no longer interested in dispute with the management and that a copy of this letter should be sent to the Labour-cum-Conciliation Officer, which was accordingly done,—*vide* letter Ex. M-3, A.D. receipt Ex. M-4. There is apparently no reason to disbelieve the above plea raised on behalf of the management, which is supported by documentary evidence especially when the workman concerned is not coming forward to refute the same and pursue his claim,

Since the present workman had voluntarily tendered his resignation which was duly accepted by the management and he had further collected his dues, no industrial dispute existed between the parties nor is his case covered by section 2-A of the Industrial Disputes Act, 1947.

I, therefore, decide the issue involved against the workman concerned holding that since he had himself tendered his resignation and collected his dues, no industrial dispute existed between the parties which could be validly be referred for adjudication to this Tribunal and further that his case is not covered by clause 2-A of the Industrial Disputes Act, 1947. In the circumstances, he is not entitled to any relief. The award is accordingly made. There shall, however, be no order as to costs.

Dated the 21st October, 1974.

O. P. SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1350, dated the 21st October, 1974

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated the 21st October, 1974.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 31st October, 1974

No. 9918-4Lab-74/33420.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s S. J. Knitting and Finishing Mills, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 133 of 1974

*between*

THE WORKMAN SHRI MOHAN SINGH AND THE MANAGEMENT OF M/S S. J. KNITTING  
AND FINISHING MILLS, MATHURA ROAD, FARIDABAD

*Present:*

Shri B. M. Gupta for the workman.

Shri B. R. Grover for the management.

#### AWARD

The following dispute between the management of M/s S. J. Knitting and Finishing Mills, Mathura Road, Faridabad and its workman Shri Mohan Singh was referred for adjudication to this Tribunal by the order of Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Mohan Singh was justified and in order? If not, to what relief is he entitled?”

Usual notices were given to the parties who have arrived at an amicable settlement. The workman concerned has received payment of Rs 249 in full and final settlement of the entire claim against the management and has foregone his right of reinstatement or re-employment, as stated in the written statement filed on behalf of the management. His authorised representative Shri B. M. Gupta has admitted this fact, as per instructions received from the workman himself.

In view of the above, no further proceedings are called for and no dispute award is given in the case in view of the above settlement arrived at between the parties. There shall be no order as to costs.

Dated the 21st October, 1974.

O. P. SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1351, dated the 21st October, 1974

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated the 21st October, 1974.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 4th November, 1974

No. 9929-4Lab-74/33481.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Shri R. C. Sharma, Advocate, Arbitrator, IC/IIA, Faridabad in respect of the dispute between the workman and the management of M/s Indira Steels (P) Ltd., Faridabad :—

BEFORE SHRI R. C. SHARMA, ADVOCATE, ARBITRATOR, IC/IIA, NISSEN HUT,  
FARIDABAD

Reference No. 1 of 1974

between

SHRI KAMAL SINGH AND THE MANAGEMENT OF M/S INDIRA STEELS PRIVATE  
LIMITED, SECTOR 6, FARIDABAD

AWARD

Shri Kamal Singh raised an industrial dispute for reinstatement and subsequently an agreement was arrived at between the workman and the management, to refer the matter for Arbitration to me. The Secretary, Government of Haryana, Department of Labour,—vide Notification No. ID/74/6972/IV/Lab/74, dated 11th September, 1974, published the dispute in the Haryana Government Gazette under intimation to me.

The dispute between the parties is as under :—

“Whether the termination of services of Shri Kamal Singh is justified and in order? If not, to what relief he is entitled?”

In pursuance of the arbitration order of the Government of Haryana, I entered into the proceedings of arbitration and I called the parties to appear before me. In spite of my best efforts, Shri Kamal Singh could not be contacted as his whereabouts were not known. However, his representative Shri Sonehri Lal turned up and he had stated that the matter has been finally settled between the parties in dispute. According to him, in a proceeding on an application before the Payment of Wages Authority, it was agreed that Shri Kamal Singh will be paid a sum of Rs. 300 in all by the management and Shri Kamal Singh gives up his all claims for any wages including that of reinstatement or re-employment. Shri Sonehri Lal has further confirmed that the management has paid a sum Rs 300 to Shri Kamal Singh and Shri Kamal Singh accordingly not interested in the employment of the management.

Under these circumstances, it was not necessary to proceed further and therefore I accordingly decide that Shri Kamal Singh is not entitled to reinstatement or re-employment or for any further relief except what he has already been paid by the management.

R. C. SHARMA,  
Arbitrator.

Five copies forwarded to the Secretary, to Government of Haryana, Department of Labour, Haryana, Chandigarh.

Dated the 28th October, 1974.

R. C. SHARMA,  
Arbitrator.

MISS M. SETH,  
Commissioner and Secretary to Government, Haryana,  
Labour and Employment Department.